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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/656,440

09/06/2000

Katsuaki Tajima

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9740

7590

04/15/2004

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EXAMINER

PHAM, THIERRY L

ART UNIT

PAPER NUMBER

2624

DATE MAILED: 04/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/656,440

Applicant(s)

TAJIMA ET AL

Examiner

Thierry L Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. The following title is suggested: "Image Processing Apparatus for processing colors that are within and not within the reproduction range of output device".

Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al (U.S. 5828780), and in view of Ito et al (U.S. 5884120).

Regarding claim 1, Suzuki discloses an image processing apparatus (fig. 1) for processing a job to be given to an output device, the image processing apparatus comprising:

(1) a decision controller (discriminating unit, abstract, figs. 5-7, col. 7, lines 3-60) for deciding whether the image data included in the job are data within a color reproduction range of the output device or not (determining whether or not the image data is within the color reproduction range, col. 7, lines 3-60); and

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(2) a color compression controller (linear color compression for compressing image data that is not within the reproduction range to an allowable value (range), figs. 13 and 21, col. 3, lines 30-37 and col. 6, lines 60-67), for performing a color compression process uniformly to the image data in accordance with the decision of the decision controller so as to supply the processed data to the output device.

However, Suzuki does not explicitly disclose where a print job comprising plurality of pages and a decision controller for deciding whether plural of pages contains color image data.

Ito, in the same field of endeavor for image forming, discloses a print job comprising plurality of pages and a decision controller for deciding whether plural of pages contain color image data (a detection device obtains information on color on a plurality of documents to be reproduced in a sheet of paper from image data of the plurality of documents, col. 1, lines 38-58).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Suzuki as per teachings of Ito because of a following reason: (1) to prevent the entire color image from losing the color attractiveness due to effect by data of a few pixel data outside the color reproduction range (Suzuki, col. 2, lines 44-52); (2) to allow the system of Suzuki to process job with multiple pages.

Therefore, it would have been obvious to combine Suzuki with Ito to obtain the invention as specified in claim 1.

Regarding claim 2, Suzuki further discloses the image processing apparatus of claim 1, wherein the color compression controller determines a parameter (parameter computing section, fig. 16, col. 1, lines 5-10 and col. 2, lines 38-44) to be used for the color compression by integrating the decision result of the decision controller about the all pages.

Regarding claims 3-4, Suzuki further discloses the image processing apparatus, wherein the decision controller performs the decision for each of the sections of a color space (dividing color space into plurality of sections, col. 3, lines 7-22), and the compressing controller (determine color of each region is within the reproduction range of output device, if not,

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performs color reduction/compression, col. 3, lines 7-21) performs the color compression for each of the sections.

Regarding claims 5-6, Suzuki further discloses the image processing apparatus, wherein the output device is a printer (image output device, fig. 1, col. 5, lines 35-58) for printing an image in accordance with the image data, and image data are generated by the image reader (image reader, fig. 1). However, Suzuki does not explicitly disclose wherein the image processing apparatus is built in the printer and image reader. Ito discloses the image processing apparatus is built in the printer and image reader (image data processing unit, fig. 1, fig. 3, col. 1, lines 38-58). Please see claim 1 as described above for the motivation for combining Suzuki and Ito.

Regarding claims 7-10: Claims 7-10 are the methods corresponding to the apparatus as described in claims 1-4 above (respectively). The methods are included by the operation of the apparatus. Please see rejection basis/rationale as described in claims 1-4 above.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(1) U.S. 6016359 to Komatsu, teaches an apparatus/method for determining whether the input color image data are within the reproduction range of the output device, and if not, then compressing color image data that are not within the reproduction range to be compatible of the output device.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (703) 305-1897. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (703)308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham


March 16, 2004



GABRIEL GARCIA
PRIMARY EXAMINER